IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 12288 of 2004**

Between:

Kandrati Penchalaiah, s/o Kandrati Ramanaiah,
r/o D.No.26/1/148, Gayatrinagar, 4th Line, A.K.Nagar Post,

Nellore-04.

**..... PETITIONER**

AND

1 The Commissioner of Tribal Welfare, Telugu Sankshema Bhavan,
Masab Tank, Hyderabad.
2 The Convenor, A.P.S.C.H.E.
E-CET(FDH)2004 admissions, Hyderabad.
3 The Mandal Revenue Officer, Manubolu Village and Mandal,
Nellore District.
4 The Correspondent, A1-Huda Polytechnic for Minorities,
Nellore, Nellore District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in not permitting the petitioner to attend for counseling E-CET (FDH) admissions 2004 for want of latest caste certificate is arbitrary, unreasonable and accordingly set aside the same and consequently direct the 2nd respondent to permit the petitioner to attend the counseling for ECE Course to be held on 19-7-2004 and also permit him to prosecute the course.

**For the Petitioner: MR.K.R.SRINIVAS**

**For the Respondent 1 to 3: GP FOR HIGHER EDUCATION**

**The Court made the following :**

**ORAL ORDER:**

Heard the learned counsel for the petitioner and also learned Government Pleader for Higher Education.

Petitioner claiming that he belongs to “KAMMARA” caste, which is classified as Scheduled Caste appeared for the entrance test to be admitted in Diploma Course in Electronics and Communications Engineering during the year 2000. When he was allotted a seat to prosecute the studies unless he obtains clearance certificate from the Commissioner, Tribal Welfare, petitioner moved this court and filed WP No.15120/2000 and this court while admitting the writ petition permitted the petitioner to prosecute the Diploma course based on the certificate issued by the Mandal Revenue Officer, Manubolu Mandal, Nellore District and provisional admission granted to the petitioner is liable to be reviewed in case the caste certificate that he belongs to Scheduled Tribe found to be forged after enquiry. However, petitioner completed the said course and appeared for the E-CET (FDH)2004 opted for admission into ECE course. When petitioner was called for counseling, he was called upon to produce latest caste certificate for admission into the said course. Questioning the action of the respondents in insisting for latest caste certificate, the present writ petition is filed contending that as long as the said certificate issued by MRO is in force and unless it is cancelled, the petitioner is entitled to admission for the course opted by him as per the earlier orders passed by this court in WP No.15120 of 2000 and counsel insisted for issuance of similar

direction issued in WP No.15120/2000, which is dismissed as infructuous today..

Learned counsel for the petitioner submits that the petitioner, who was permitted to attend the counselling was allotted a seat subject to production of caste certificate. In view of the same, necessary direction be given to admit the petitioner in the light of the orders passed in WP no.15120/2000, which was dismissed as infructuous.

It is not in dispute that the certificate so issued by the MRO is not competent to issue such certificate after enforcing Andhra Pradesh (SC, ST and BC) Regulation of Issue of Community Certificates Act, 1999 and the Rules made thereunder. The petitioner belongs to Kammara caste which is item 5 of Schedule –I of the Annexure-I of the said Act and the revenue officials not below the rank of Sub-Collectors in the non-schedule area of the State alone are entitled to issue such certificate under Sec. 4 of th Act. It is not in dispute that the petitioner's family resides at Akkampet village, Nellore District, which is a non-scheduled area. Therefore, necessarily he has to obtain certificate from the Revenue Divisional Officer. In view of the same, insisting for the latest caste certificate is arbitrary, illegal and without jurisdiction cannot be countenanced. Equally, the petitioner cannot avail any benefits from the certificate issued by MRO, who has no jurisdiction to issue the same. From the direction issued by this court in an earlier occasion, it cannot be presumed that this court accepted the certificate issued by MRO to be valid and petitioner's entitlement to all benefits under the said certificate.

In view of the same, petitioner can approach the Revenue Divisional Officer with necessary application for issuance of caste certificate. On making such application, it is for the Revenue Divisional Officer to consider the claim of the petitioner. No Mandamus can be issued for admission of the petitioner on the certificate issued by the Mandal Revenue Officer and the second respondent is justified in not permitting the petitioner to attend the counselling or admission.

The writ petition fails and it is accordingly dismissed. No costs.

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A.GOPAL REDDY,J

Dt. 31-8-2004

Murthy/kmr

To

1 The Commissioner of Tribal Welfare, Telugu Sankshema Bhavan,
Masab Tank, Hyderabad.
2 The Convenor, A.P.S.C.H.E.
E-CET(FDH)2004 admissions, Hyderabad.
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Nellore, Nellore District.

5. 2CCs to the Govt., Pleader for Higher Education, High Court Buildings, Hyderabad.

6. 2CD copies